

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO.: 5:16MJ1125
	:	
Plaintiff,	:	MAGISTRATE JUDGE
	:	KATHLEEN B. BURKE
-VS-	:	
	:	
DEZAY MARTELL ELY,	:	<b><u>DEFENDANT'S UNOPPOSED</u></b>
	:	<b><u>MOTION TO CONTINUE</u></b>
	:	<b><u>PRELIMINARY AND</u></b>
Defendant.	:	<b><u>DETENTION HEARINGS</u></b>
	:	

Defendant, through counsel, respectfully moves this Honorable Court to continue the preliminary and detention hearings scheduled in this matter for Friday, August 19, 2016. Defense counsel was assigned to this matter on Monday, August 15, 2016. Counsel is presently scheduled to appear for a status conference before Judge John R. Adams at 12:00 p.m. on August 19, 2016, in the case of *United States v. Jonathan Smead*. It is anticipated that the preliminary and detention hearings in the instant case may last longer than one hour, and may conflict with the mentioned hearing before Judge Adams. In addition, given counsel's schedule, additional time is needed to prepare for the hearings.

Defense counsel has discussed this matter with Assistant United States Attorney Kevin Filiatraut. He stated that the government has no objection to this motion. Both counsel are available all day on August 22 and 23, 2016, to conduct the hearings.

For these reasons, Mr. Ely asserts that there is good cause to grant a continuance in this matter, and requests that the preliminary and detention hearings be re-scheduled to August 22 or 23, 2016, if this Honorable Court's schedule so permits.

Respectfully submitted,

/s/Charles E. Fleming

CHARLES E. FLEMING (#0046778)

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2016 a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/Charles E. Fleming

CHARLES E. FLEMING

Assistant Federal Public Defender